

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
Singdelu/FOIA	11-18-08

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER 300271	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR cc: Stensland Closed 12/4/08, response attached.	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE _____ <input checked="" type="checkbox"/> FOIA DATE DUE 12-4-08 <input type="checkbox"/> Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1.			
2.			
3.			
4.			

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November 17, 2008

RECEIVED

NOV 17 2008

VIA FACSIMILE and HAND DELIVERY

South Carolina Department of Health and Human Services

Attn: Freedom of Information Act Officer

P.O. Box 8206

Columbia, South Carolina 29202-8206

Department of Health & Human Services
OFFICE OF THE DIRECTOR

Re: Freedom of Information Act Request

Dear Sir or Madam:

Pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10, *et. seq.*, we request that you provide us with the following information or in the alternative allow us to inspect the following documents:

- a. Any and all Contracts between the South Carolina Department of Health and Human Services ("SCDHHS") and CareEvolution, and modifications thereto, including but not limited to the electronic health records system known as the South Carolina Health Information Exchange (SCHIEx);
- b. All documents, in written or electronic format, which evidence, make reference or relate to the SCDHHS's decision to implement SCHIEx;
- c. All documents, in written or electronic format, which evidence, make reference or relate to the SCDHHS's approval of any expenditures of funds for SCHIEx, including but not limited to all documents in any way related to the payment of funds to CareEvolution;

- d. All documents, in written or electronic format, which evidence, make reference, or relate to SCDHHS' use of any services or equipment by CareEvolution in connection with SCHIEX;
- e. All documents, in written or electronic format, which evidence, make reference, or relate to any communications with CareEvolution regarding SCHIEX;
- f. All documents, in written or electronic format, which evidence, make reference, or relate to any communications with Thomson Reuters or MedStat regarding SCHIEX;
- g. Any and all Contracts, between SCDHHS and Thomson Reuters or Medstat, relating to services or provisions of equipment for any and all SCDHHS programs, including but not limited to SCHEIX;
- h. All documents, in written or electronic format, which evidence, make reference or relate to the SCDHHS's consideration regarding the applicability of the South Carolina Consolidated Procurement Code to any aspect of the implementation of SCHEIX.
- g. Any and all documents, in written or electronic format, reflecting written determinations, decisions, policies or procedures by SCDHHS regarding the implementation of SCHIEX;
- h. Any and all documents, in written or electronic format, which evidence, make reference or relate to the SCHIEX to be provided to Medicaid providers by SCDHHS.
- j. Any and all documents, in written or electronic format, which evidence, make reference or relate to the funding source for the SCHIEX.

Pursuant to the FOIA, we will compensate SCDHHS for the necessary and appropriate costs incurred in responding to this request. If the estimated cost in responding to this request will exceed \$200, please contact me before undertaking the response. Your immediate attention to the document request will be appreciated.

Best regards,

Sincerely,



E. Wade Mullins, III

EWMM/rd



State of South Carolina
Department of Health and Human Services

Mark Sanford
Governor

Emma Forkner
Director

TO:

FROM:

SUBJECT: Cost of Processing FOIA Request #

The South Carolina Department of Health and Human Services has received and processed your FOIA request. The cost for processing this information is as follows:

Staff processing time at \$10.00 per hour	_____ Hours	\$ _____
Pages copied at \$.10 per page	_____ Pages	\$ _____
Pages faxed at \$.20 per page	_____ Pages	\$ _____
Shipping and Handling Costs		\$ _____
Other costs associated with the FOIA request:	_____	\$ _____

Total Amount Due SCDHHS:

\$ _____

Please remit the above amount to the following address:

Bureau of Fiscal Affairs
South Carolina Department of Health and Human Services
Post Office Box 8297
Columbia, South Carolina 29202-8297

Please contact _____ should you have any questions.

Signature _____

Date: _____

208#000271

December 4, 2008

Mr. E. Wade Mullins, III
Bruner, Powell, Robbins, Wall & Mullins, LLC
Attorneys and Counselors at Law
Post Office Box 61110
Columbia, SC 20260-1110

Re: Freedom of Information Act Request

Dear Mr. Mullins:

Your FOIA request to the Department has been forwarded to this Office for a response. Below, in the same order, are the responses to the information you requested:

- a. **Contracts between SCDHHS and CareEvolution:** There are no contracts between SCDHHS and CareEvolution.
- b. **Documents that reference SCDHHS' decision to implement SCHIEx:**
The readily available hard copy documents are enclosed. We are not able to extract the electronic documents portion of the request within the statutory time period. We estimate that it will take about a month to sweep the e-mails and files of the participants in the decisions about SCHIEx with reasonable filters. The estimated cost will be between \$200 and \$500.
- c. **Documents that reference any expenditure for SCHIEx:** The contract between ORS and SCDHHS is enclosed.
- d. **Documents that relate to SCDHHS' use of CareEvolution equipment:** We could not find any such documents.
- e. **Documents that reference communication with CareEvolution:** We are not able to respond to this portion of the request within the statutory time period, and estimate that it will take a month to sweep the e-mails and files of the likely communicants. The estimated cost will be between \$100 and \$200.
- f. **Documents that refer or relate to communications with Thomson Reuters or Medstat regarding SCHIEx:** We do not believe that there are any communications with Thomson-Reuters or Medstat regarding SCHIEx, but we will sweep the e-mails of the likely employees. We cannot finish this task within the statutory time, and estimate the cost to be about \$100.
- g. **Contracts between Thompson Reuters or Medstat:** The Materials Management Office (MMO) of the Budget and Control Board let the Thompson Reuters contract for the MedStat service. This Department does not have a copy that has been redacted of information considered proprietary by Thompson Reuters, so we must refer you to MMO to secure a redacted copy.
- h. **Documents that refer to the applicability of the Consolidated Procurement Code to implementation of SCHIEx:** We know of no such

documents, but the “justification” for the state agency contract with ORS is attached.

- g. **Documents that reflect written determinations, decisions, policies or procedures by SCDDHHS regarding the implementation of SCHIEx:** Enclosed are the primary documents sent out to date regarding the implementation of the SCHIEx.

- h. **Documents about SCHIEx sent to providers by SCDDHHS:** The documents sent to providers are included in g, immediately above.

- j. **Documents that relate to a funding source for the SCHIEx:** None.

The cost for gathering, copying and mailing this information, so far, is Forty-five and fifty-two hundredths dollars (\$45.52). Please make the check payable to the Department of Health and Human Services and send it to:

Department of Health and Human Services
Department of Receivables
Post Office Box 8297
Columbia, SC 29202-8355

In addition, please let us know if you would like us to continue gathering the information, as described above. Please contact me if you have any questions about this letter. My direct is (803) 898-2791.

Sincerely,

Richard G. Hepfer
Deputy General Counsel

Enclosure